



Loudoun County, Virginia

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Department of Building and Development

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August 9, 2010

Eric E. Zicht
Zicht Family Partnership
c/o Zicht Engineering, Ltd.
16940 Simpson Circle
Paeonian Springs, Virginia 20129

Re. ZCOR-2010-0109, Whether Lot is Buildable – CLARIFICATION AND WITHDRAWAL
Parcel Identification Number (PIN): 610-10-1118

Mr. Zicht:

I am writing in response to your letter dated June 9, 2010 to Dan Schardein, Zoning Administrator, regarding a Department of Building and Development Memorandum (ZCOR-2010-0109), dated May 13, 2010, prepared by Rory L. Toth, a Zoning Planner with the Zoning Administration Division of the Department of Building and Development. The subject Memorandum was prepared in response to an e-mail request from the Office of the County Assessor, dated April 9, 2010, asking whether the subject parcel is considered "buildable". In your June 9, 2010 letter, you request that the "Zoning Determination" be withdrawn or voided, or at least re-titled so as to not constitute a formal Zoning Determination.

This letter hereby clarifies that ZCOR-2010-0109 was incorrectly identified as a "Zoning Determination" and incorrectly contained the statement regarding appeal. The Zoning Administrator does not deem the letter to be, nor was it intended to be, a "decision of the zoning administrator" ("Zoning Determination") subject to the appeal provisions of Va. Code §15.2-2311 or Zoning Ordinance §6-1700. We apologize for this error and any inconvenience it has caused.

The intent of ZCOR-2010-0109 was simply to provide a summary of the zoning regulations that are applicable to the subject property. Furthermore, the Zoning Administrator does not have the authority to make a finding as to whether a parcel is "buildable". Therefore, this letter serves to withdraw ZCOR 2010-0109, and it is hereby withdrawn. A replacement memorandum will be issued to advise the Office of the County Assessor as to the zoning regulations that apply to the subject property, and said memorandum will not offer any opinion or decision as to whether the subject parcel is "buildable".

This clarification letter will be placed in the public file for ZCOR-2010-0109 and will be sent to all of the parties that received a copy of ZCOR-2010-0109 when it was originally issued.

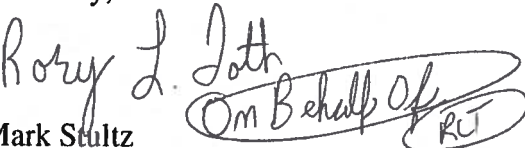
August 9, 2010

Based on the above clarification and withdrawal, the Zoning Administrator respectfully requests that you withdraw the appeal application (APPL-2010-0014) that was filed on June 10, 2010, requesting that the "Determination" (ZCOR-2010-0109) be withdrawn. Since this letter acknowledges that ZCOR-2010-0109 is not considered to be a "written order, requirement, decision or determination made by the zoning administrator", then the Memorandum is not appealable to the Board of Zoning Appeals.

It is noted that in your June 9, 2010 letter, as well as in the Appeal application, you contend that the "determination" must be withdrawn because you, as the property owner, did not consent to the request for the "determination". This letter does not, and shall not be deemed to, concede or agree that the Zoning Administrator must obtain the consent of a property owner before issuing a zoning determination as to said property. While not all zoning determinations are prepared with the knowledge or consent of the owner of the subject property, all zoning determinations are mailed to the property owner of record for the parcel that is the subject of the determination.

I hope that this letter provides the clarification that you were seeking. If I can be of any further assistance, please do not hesitate to contact me at 703-771-5394 or by e-mail at mark.stultz@Loudoun.gov.

Sincerely,


Mark Stultz
Deputy Zoning Administrator
Department of Building and Development

cc. Kevin McMahon, Loudoun County Assessor's Office
Jim Burton, Blue Ridge District Supervisor
Dan Schardein, Zoning Administrator
Ron Brown, Assistant County Attorney
Rory Toth, Zoning Administration